

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID WESLEY BIRRELL, aka Bella-
Christina Birrell,

Plaintiff,

v.

MICHELLE DiTOMAS,

Defendant.

No. 2:22-CV-1834-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. By separate order, the Court has granted Plaintiff leave to proceed in forma pauperis.

To: The California Department of Corrections and Rehabilitation
1515 S Street, Sacramento, California 95814:

Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action. In addition to any initial partial filing fee required to be assessed, Plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's inmate trust account. The agency referenced above is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from Plaintiff's inmate trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of

1 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
4 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

5 2. The director of the agency referenced above, or a designee, shall collect
6 from Plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions
7 of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment
8 to be clearly identified by the name and number assigned to this action;

9 3. Thereafter, the director of the agency referenced above, or a designee, shall
10 collect from Plaintiff's inmate trust account the balance of the filing fee by collecting monthly
11 payments from Plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the
12 preceding month's income credited to Plaintiff's inmate trust account and forwarding payments to
13 the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28
14 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full, such
15 payments to be clearly identified by the name and number assigned to this action;

16 4. The Clerk of the Court is directed to serve a copy of this order and a copy
17 of Plaintiff's signed in forma pauperis affidavit to the address shown above; and

18 5. The Clerk of the Court is further directed to serve a copy of this order on
19 the Financial Department of the Court.

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21 Dated: January 23, 2023



22 DENNIS M. COTA
23 UNITED STATES MAGISTRATE JUDGE
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